

REMARKS

Claims 1, 5, 12 and 13 have been amended for purposes of clarity.

Claims 1-74 are patentable over Kim, USP 6,546,002.

Regarding Claims 1-14

The Examiner states:

Kim teaches ...:
remotely analyzing said first computer-based device to discover applicable hardware and software settings comprising said environment (col 6 lines 17-29); (Office Action, page 2.)

The Examiner's statement is respectfully traversed. Initially, Applicants note that the Examiner cites Kim at column 6, lines 17-29 as teaching "remotely analyzing said first computer-based device to discover applicable hardware and software settings comprising said environment". However, at column 6, lines 17-29, Kim teaches:

FIG. 3 illustrates a block diagram of an information and storage system implementing an MIA in accordance with the present invention. The diagram illustrates three sections of the overall system. Section 104 represents user input/output (I/O) components of a user interface that can be used with the present invention. Section 106 represents a local memory that is used to store profile data for a particular user. Section 108 represents a network that is accessible by a computer (standalone, LAN, MAN, WAN), a PDA, a television (cable network), or a cellular phone (cellular network). Other networks that are accessible using different electronic devices that are now specifically mentioned herein can also be used with the present invention.

Thus, the Examiner has failed to callout where Kim teaches or suggests "remotely analyzing said first computer-based device to discover applicable hardware and software settings comprising said environment" as asserted by the Examiner.

Further, Kim teaches that a mobile interface agent (MIA) is used. Specifically, Kim teaches that:

The present invention is directed to a **mobile interface agent (MIA)** that is used to store, distribute, and access information. **The MIA is specifically used** to access menu items (e.g., software programs, applications, files, folders, documents, telephone numbers, radio stations, television channels), URL bookmarks, and user profile data. **The MIA is also used** to periodically update or query user profile data, facilitate the sharing of memory and data structures between applications/services both local and remote, allow various types of user interfaces to be attached (voice menu system, human-like graphical icon, etc.) and perform intelligent multi-platform conversion of application data. (Col. 5, lines 56-67, emphasis added.)

Applicants respectfully submit that the teachings of Kim to provide and use a **mobile interface agent** to access information is in stark contrast to:

A method for transferring the look and feel of at least a first computer-based device to remote computer-based storage, said transfer across HTTP-based networks, said method comprising:

- a. downloading a software component to manipulate settings;
- b. **remotely analyzing said first computer-based device to discover hardware and software settings applicable to said look and feel of said first computer-based device**;
- c. listing settings available for transfer;
- d. downloading instructions to said software component to locate, extract and transfer specified settings from said listed settings, and
- e. storing and uniquely identifying said transferred settings in said remote storage,

as recited in amended Claim 1, emphasis added. Accordingly, Claim 1 is allowable over Kim. Claims 2-11, which depend from Claim 1, are allowable for at least the same reasons as Claim 1.

Further, Claim 5 has been amended and now recites:

A method for transferring the look and feel of at least a first computer-based device to remote computer-based storage, as per claim 4, wherein said retrieval by said one or more requesting devices from said remote storage further includes: loading and installing on said requesting device a compatible version of said identified stored settings **to provide said look and feel of said first computer-based device to said requesting device.** (Emphasis added.)

Applicants respectfully submit that the Examiner has failed to callout where Kim teaches or suggests a method as recited in Claim 5. Accordingly, Claim 5 is further allowable over Kim.

Claim 12 is allowable over Kim for reasons similar to Claim 1. Claim 13, which depends from Claim 12, is allowable for at least the same reasons as Claim 12.

Claims 14-74

With respect to Claims 14-74, the Examiner asserts:

... Claims 12-74 have similar limitations as claims 1-11; therefore, they are rejected under the same rationale. (Office Action, page 4.)

Applicants respectfully submit that the Examiner's generalization fails to establish a *prima facie* case of obviousness as required because the Examiner has failed to callout where Kim teaches or suggests the features of Claim 14-74. Thus, Applicants respectfully traverse this rejection. As set forth in MPEP 2143:

To establish a *prima facie* case of obviousness, three basic criteria **must** be met. ... Finally, the prior art reference ... must teach or suggest **all** the claimed limitations. (MPEP 2143, page 2100-124 to 2100-125, Rev. 1. Feb. 2003, emphasis added.)

For example, Claim 14 recites:

A system for transferring across a network, computer-based settings, files, and other data, said system comprising:

a network server and associated computer storage, said network server receiving requests from one or more computer-based devices for transfer of said computer-based settings, files, and other data;

at least a first software plug-in, downloadable from said network server to said requesting computer-based device(s);

one or more mark-up based directive(s) sent from said network server and operative with said downloaded first software plug-in at said requesting computer-based device(s), and

wherein, in a load mode, **said one or more mark-up based directive(s)** are parsed and processed by said first software plug-in to return to said associated computer storage, a selected group of settings, files, and other data associated with said requesting computer-based device(s) and in an unload mode, said one or more mark-up based directive(s) are parsed and processed by said first software plug-in to load and install a version of one or more of selected groups stored within said associated computer storage to said requesting computer-based device(s). (Emphasis added.)

The Examiner has failed to callout where Kim teaches or suggests a system as recited in Claim 14 and more generally of the features recited in Claims 14-74.

Further, to the extent the Examiner asserts that Claims 14-74 have similar limitations as Claims 1-11, Applicants respectfully submit that Claims 14-74 are allowable over Kim for reasons similar to Claims 1-11.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection to Claim 1-74.

As to 37 C.F.R. § 1.116

All claim amendments herein are for purposes of clarity. Therefore, entry of this amendment does not raise new issues or require a new search. Applicants respectfully request entry of this amendment pursuant to 37 C.F.R. § 1.116.

Conclusion

Claims 1-74 are pending in the application. For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicants.

CERTIFICATE OF MAILING


I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 3, 2004.



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December 3, 2004
Date of Signature

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